S.B.Civil Revision petition No.266/2007
LRs of Premraj
vs
Jethmal & Ors.

Date of order : 21.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Ms.GL Khatri, for the petitioners.

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Heard learned counsel for the petitioners.

According to learned counsel for the petitioners, the petitioners have challenged the two orders passed by the executing court which are dated 14th Sept., 2007 and 9th Oct., 2007. The order dated 14th Sept., 2007 is only regarding of satisfaction of the executing court about the service of the notice and fixing the date for order. The order dated 9th Oct., 2007 is the order of issuance of process under Order 21 Rule 35 CPC through special Shail Ameen.

According to learned counsel for the petitioners in fact, the notice under Order 21 Rule 22 CPC was not issued and yet the court presumed the service of the notice upon the petitioners. It is also submitted that before service of notices no order for issuance of possession warrant could have issued.

The petitioners have placed on record certified copies of the orders passed by the executing court dated 25th May, 2007, 6th July, 2007, 27th July, 2007,

30th August, 2007, 14th Sept., 2007, 3rd Oct., 2007, 6th Oct., 2007 and 9th Oct., 2007 and has not placed any other material on record. In order dated 25th May, 2007 there is mention of issuance of process and, thereafter, on 6th July, 2007 as per the court's order-sheet again order was passed to issue process. On 14th Sept., 2007, the court recorded satisfaction about the service of the notice, therefore, from the record, it appears that court recorded satisfaction of service on the basis of report received by the court below. It appears that no objection was raised before the executing court by the petitioner and straightway has preferred this writ petition, that too, without placing on record any material.

In view of the above, I do not find any force in the writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-